

## **DEVELOPING HR POLICIES FOR EDUCATIONAL ORGANIZATIONS**

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### **Introduction:**

This article tries to give practical information to Educational Organizations on how to develop HR policies and procedures. This article aims to provide support to for Educational Organizations funded/self-funded. It has been observed that the educational institutions do not take necessary pains to formulate and implement the HR Policies for their teaching as well as Non-Teaching Staff. It will be useful to those who are just beginning to develop policies and those who are reviewing and updating existing policies. This article focuses on tools such as:

- Policy Template
- Guide to Developing an Employee Handbook

### **Objectives:**

- To understand the importance of HR Policies
- To define the areas on which the HR policies and the procedures are to be crafted
- To formulate the steps in developing HR policies
- Role of the board of directors in HR policy developments

### **Scope:**

This article focuses only on educational institutions funded/self-funded established in India.

Standard-“*HR management policies are formalized, documented and approved by the top management/Founder Members General Body/Parent body of the educational institution.*”

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### **Importance of the policies:**

Policies facilitate several important functions. These allows the educational organization:

- To communicate values and expectations for how things are done
- To keep the organization in compliance with legislation/statute of the State/Central Government and to provide protection against employment claims
- To document and to implement best practices appropriate to the educational organization
- To support consistent treatment of staff, fairness and transparency
- To help management to make decisions that are consistent, uniform and predictable
- To protect individuals and the organization from the pressures of expediency

### **Defining policy and procedure**

A **policy** is a formal statement of the principles or rules that all the members of an organization must follow. Each policy aspect addresses an issue important to the organization's mission or operations.

A **procedure** tells members of the organization how to carry out or implement a policy. Policy is the "what" and the procedure is the "how to".Policies are written as statements or rules. Procedures are written as instructions, in logical steps.

### **Steps in Policy Development**

Workplace of an Educational Organization is unique and therefore it may need to develop policies very specific to its nature of organization and type of work, for which there are no specific templates or benchmarks. Typically, policy development will follow the following steps:

- Step 1: Establish need for a policy
- Step 2: Develop policy content
- Step 3: Draft the policy
- Step 4: Write the procedure
- Step 5: Review of the policy by key stakeholders
- Step 6: Approve the policy
- Step 7: Implement the policy
- Step 8: Policy review and update

- Step 9: Communication of changes to the policy

### **Step 1: Establish need for a policy**

In its simplest form, a policy is a written record of a workplace rule/s. It is time to develop a policy when:

- There are legal enactments/legislations that expressly requires an organization has a policy in place
- Sometimes, there is legislation/enactment that does not expressly require an organization have a policy, but the regulations and steps to be followed are tightly defined and a policy will help to ensure the organization is in compliance. For example the affiliating universities, directives provided by apex bodies providing recognition such as Directorate of Technical Education, All India Council of Technical Education, University Grants Commission, Ministry of HRD etc.
- There is inconsistency in how employees behave or top management or founders/owners of the institutions make decisions that is negatively impacting the work environment or accomplishment of institutional vision, mission and goals.
- There is significant confusion about certain areas of the activities or how things are done and the organization would benefit from a policy. Such a decision to develop a new policy should not be ignored.
- Policies are developed for the many, not the few – when one brings a policy into force he/she/they is/are establishing a standard that will apply broadly across the organization - not just to a few individuals who may be causing problems.
- A policy creates a rule or standard to be followed consistently and reduces top management's flexibility to treat each situation as unique.
- Poorly written and implemented policies can harm rather than protect an organization
- It can be difficult to change policies once they have been implemented and become part of an organization's culture and ways of working

It is to be ensured therefore that any policies that are brought into the organization address a real need and are in line with what an organization values and how work should be accomplished. It

needs to be borne in mind that the appropriate authorities possess the skills and resources to be able to implement and monitor the policy..

**Areas where policies are commonly established:**

One must review relevant Central and state enactments/legislations related to employment to understand the policies that are required for compliance in the respective jurisdiction.

Organizations commonly have written policies in the following areas:

- Code of Conduct
- Confidentiality
- Conflict of Interest
- Working conditions
- Attendance
- Hours of work
- Termination (Voluntary and Involuntary)
- Notice Period
- Recruitment
- Compensation
- Performance Management
- Training
- Learning and development
- Benefits and Eligibility
- Overtime
- Privacy
- Employee Information
- Leave& Vacations
- Special Leave
- Sick Leave, Short Term Disability, Long Term Disability
- Maternity, Parental, and Adoption Leave
- Leave without Pay
- Duty Leave
- Grievance/Conflict Resolution

- Formal Complaint/Redressal Mechanism
- Disciplinary Actions and Procedures
- Discrimination and Harassment/Respectful Workplace
- Health and Safety
- Accident Reporting
- Workplace Violence
- Alcohol and Drug Use Policy
- Use of Institutional Equipment
- General policy on the review and update of organization policies

## **STEP 2: Develop policy content**

### **Legal**

### **considerations**

Much of the policy content may be driven by the requirements of the legislation.

### **Standard:**

“HR Management Policies comply with employment, workplace health and safety, and other related legislation as applicable in the jurisdiction in which the educational organization operates.”

It is not feasible to review all the possible legislation. Therefore, you need to be aware of the legislation that applies in your jurisdiction and area of work. At minimum, consider the following:

#### Employment/Labour Standards

#### Employee Welfare

- Privacy legislation
- Occupational Health and Safety
- Human Rights
- Employee Compensation

Organizations also need to be aware of how legislation may periodically be applicable to their workplace, such as provisions for releasing staff to vote on election day or legislation relevant to organizing a union.

Other legal considerations may be specific to a workplace.

For example:

What are the legal implications of developing a policy?

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One has to remember even though a policy may not be expressly required to govern a situation, if one develop such policy and then doesn't follow it, this could be putting such organization at risk.

### **Operating considerations:**

The following questions can help one shape a policy that is appropriate to his/her/their workplace and organizational needs.

What does this policy need to accomplish? What are the outcomes?

How does this policy support the development of the desired work culture

How will this policy be monitored and enforced?

How will this policy impact an Administrator's ability to act, for example, when reviewing performance, awarding promotions, approving leave, hiring or terminating?

How will this policy impact the ability to attract quality candidates?

How has the organization handled this issue in the past?

Does the size of the workforce justify having a policy about such issue?

Is there the willingness to invest the time it takes to keep the policy up to date?

Will this policy foster something the organization believes in? For example, if an organization has a "family first" philosophy, it might want to have family-positive policies, such as flexible work hours.

How does this policy impact financier's/funder's requirements?

### **Consultation**

In developing the content of the policy it is good practice to consult with stakeholders, top management, staff, and/or a member of the board. This will help to ensure one gets to include the aspects for the policy, address the right issues and have a full perspective. It is necessary to

identify and connect with comparable organizations that have developed a similar policy and could serve as benchmarks for best practice. Some of the concerned may have a role at this stage when the content is being drafted; others might be better placed as reviewers after the content has been developed.

### **STEP 3: Draft the policy**

A policy should include the following sections:

#### **Purpose**

The purpose sets out what the policy intends to accomplish, or the goal of the policy. For example, a health and safety policy may have a purpose of ensuring a safe and healthy workplace for all concerned staff and others in compliance with the relevant health and safety legislation.

#### **Scope**

The scope outlines to whom the policy applies. It may apply to all staff and concerned others, or differentiate based on level, location, employment status, or department. If the policy also applies to volunteers, contract workers and consultants doing work on behalf of the Institute/Organization be sure to identify this. The scope should also identify exceptions to the policy.

#### **Statement**

The statement is the actual rule or standard the policy needs to communicate.

#### **Responsibilities**

Outline the responsibilities of the Governing body, Top Management and staff in regards to the policy as well as who is responsible for developing, maintaining, monitoring and implementing the policy.

If there are consequences for not complying with the policy (e.g., disciplinary), be sure to mention this. For example, "Failure to comply with this policy could result in disciplinary

measure up to and including just cause for termination of one's employment.”

### **Definitions**

Clearly define any terms used within the policy. If the terms are included in legislation that underpin the policy be sure to use the definitions from the legislation (e.g., disability, prohibited grounds, discrimination, harassment, workplace violence).

### **Questions**

Identify the person or position employees can approach if they have questions.

### **References**

Reference any other policies, documents or legislation that support the interpretation of such policy.

### **EffectiveDate**

Indicate the date the policy came into effect and the date of any revisions.

### **ReviewDate**

Indicate the date the policy is due to be reviewed.

### **Approval**

Indicate who approved the policy and the date of approval (e.g., the Governing Body/board, the human resources policy committee, the executive director, Governing Council, Parent Body).

### **Tips for drafting the policy**

- Use straightforward clear language and avoid jargon and legal speak - one wants the policy to speak directly to the people for whom it is intended
- Check that the content and wording is unbiased and encourages fair, consistent treatment.
- Use terms consistently and define any special terms
- Be sure that there is only one possible meaning to the standard or rule set by such policy
- It's a good idea to consider a few "what if" scenarios and see if the policy still fits, keeping in mind that most policies will not, and should not, cover every possible circumstance



- For most policies one will want to allow for exceptions to the rule. Use terms like “generally”, “usually”, and “typically” and avoid terms like “always” and “never”
- Include a statement like “this is intended as a guide only”
- There are a few situations where one wants to be absolutely clear that the standard set by the policy will apply in all situations. For example, in a violence policy one would want to say “violence at work will not be tolerated under any circumstances”
- If using a sample policy or draft, tailor the policy for one’s specific workplace

### **Policy Template**

STEP 4: Write the procedure

Policies often have a related procedure, which may be a section of the policy or a separate document that the policy refers to. The procedure gives step-by-step instructions for carrying out the policy. If one determines that a procedure will be developed be sure to include a statement that it is intended as a guide only. Some legislation specifically requires procedures be developed so be aware of the legislative requirements that govern the organization.

*Example:*

- A vacation policy would say how much vacation employees are allowed. A related procedure would tell employees how to schedule their vacation time and get approval.
- A discrimination policy would communicate the organization’s stance on discrimination. A related procedure would tell an employee how they can raise a complaint and how it will be handled.

### **STEP 5: Review of the policy by key parties**

It is good practice to ask a representative group of heads of the institutions/principals/Directors and employees to review the policy. For some policies one may also want to involve stakeholders.

Heads of the institutions/principals/Directors & their views:

- Do you have the skills and resources to be able to implement and monitor the policy?
- What is the understanding of different stakeholders’ responsibilities is as outlined in the policy?

- Is the content and wording unbiased?
- What training or information would be required to be able to carry out your responsibilities as outlined in the policy? What about your staff?
- What issues or concerns could implementation of this policy potentially raise among employees and stakeholders?

Employee review:

- What is the understanding of the responsibilities and the organization's expectations as outlined in the policy?
- Is the content and wording unbiased?
- What training or information would you require to be able to carry out the responsibilities as outlined in the policy?
- What issues or concerns could implementation of this policy potentially raise among employees and stakeholders?

#### **Legal review:**

This step may not apply to all policies. Complex policies, such as discipline and grievance policies, and policies required by legislation should be reviewed by a lawyer that specializes in employment law. Ask them to check that the policy:

- It complies with employment standards and other state and central legislature bodies
- It is consistent with the terms of any collective agreements

#### **STEP 6: Approve the policy**

If the Parent Body, Governing Council or such appropriate top management body is responsible for giving the final approval on policies, it is often done with a formal, recorded motion. Provide such body with information on why the policy is needed and the steps you took in developing the content for the policy. Consult with body on the scheduled review date. After one has the board approval, add the date of approval to the policy.

#### **STEP 7: Implement the policy**

### **Ways to implement and communicate about policies:**

Employees, managers and key stakeholder must have access to up-to-date copies of the policies and procedures that are relevant to their role in the organization and be advised of and understand any new policies or changes to policies coming into effect.

### **Related HR Management Standard:**

#### **Standard:**

*“HR Management policies are made accessible to employees.”*

When selecting methods to communicate policies consider:

- Will employees be able to easily access electronic copies or will they need hard copies?
- What concerns and issues are likely to be raised about the policy and how will they be dealt with? If concerns are likely to be significant an initial face to face communication through an information session or manager communication will be a more effective approach than an email.
- Does the policy provide enough information for managers and staff to be able to effectively implement and comply with the policy or will they need training or additional information?

The methods below are often used in combination to develop a strategy to ensure employees are aware of, understand and have the skills to implement and comply with the policies that underpin how they work.

### **Employee handbooks**

An employee handbook describes the organization's policies and procedures. The handbook may also contain general information about the organization such as its priorities, the organization chart, the job classifications, whether positions are covered by a collective agreement and bargaining status for all groups of employees.

One may have separate handbooks for Heads of Institutions/Principals/Directors and other staff or one may have one handbook that applies to both groups. For the employer, the handbook can form part of the documentation that the staff were made aware of the organization's rules and standards and understand the consequences of not complying with the policies. Of course, this is dependent on the employees having received and understood the policies contained within the handbook so it is often a good idea to ask employees to sign a statement confirming this.

Benefits of having an employee handbook include:

- A comprehensive source for understanding the practices of the organization
- Useful for orienting employees
- Employees can independently find answers to their questions, supporting confidentiality
- Saves management time spent on clarifying expectations
- Helps others quickly understand one's workplace practices
- Supports communication and accountability
- Allows to tie in the broader context, such as the organization's vision, objectives and values

**A few points of caution:**

- For the handbook to serve as valid documentation, it must be updated as policies are updated and changed. For this reason it is often a good idea to designate someone with this responsibility.
- Often a handbook will be written in a less formal style and include only summaries of each policy. In order to be able to rely on the handbook for documentation that your employees were made aware of the organization's policies, it needs to include all the key points of the policy and reference where staff can access the full versions of the policies.

Since the policies and procedures and content of the handbook may change from time to time, include a statement that the employer has the right, in its sole discretion, to add, amend, or delete any policy or procedure in its handbook.

**Sample Employee Handbook**

In order to adjust and geared towards small educational organizations, this employee handbook

covers time away from work, harassment, confidentiality, performance appraisals and more. The handbook is ideally suited as a starting point for organizations without formal HR policies and procedures, or as a reference for those who are updating existing policies.

### **Personnel policy and procedures manuals:**

A manual includes more detailed collections of policy, procedures and guides, and is often used as a management tool for supervisory staff. Again, it is important that the manual is kept up to date with the most recent versions of the policies.

### **Intranet and shared Drives:**

Organizations can make their policies available to employees electronically either on an intranet or on shared drives. This is advantageous as employees can access the policy directly and old versions can easily be removed and replaced with updated versions.

### **E-mail:**

Staff can easily be made aware of a new policy by e-mail. If providing a copy of the policy with the e-mail it is often better to provide the link to where the employee can access the policy rather than the actual policy so that it is always the most recent version of the policy being accessed.

### **Information sessions:**

Holding an information session is a good way to ensure that employees understand a new policy and have the opportunity to ask questions. It is particularly useful when concerns may be significant. In the session cover the following:

- Strategic decisions that led to the development of the policy
- Goal of the policy
- Process taken in developing the policy (e.g., consultation, research, benchmarking)
- How the new policy impacts employees and expectations

It is a good idea to keep a record of attendance for the session so one can follow up with anyone that was not able to attend, and have documentation that the policy was communicated.

### **Policy training sessions:**

Some provinces have legislation where employers are required to train employees on certain policies. Additionally, training sessions for Heads of Institutions/Principals/Directors are a good option for policies that are complicated or have extensive procedures, such as disciplinary, dispute resolutions and health and safety. When developing a policy training session include the same topics as one would for the information session plus the following:

- Training on the specific skills that are needed to implement the policy
- Specific procedures, guidance and resources available to Heads of Institutions/Principals/Directors and employees to help them implement the policy
- Clear expectations of behavior
- How the policy will monitored
- Any specific training requirements of the legislation if the training session is required

### **Statements of understanding**

For important policies and possibly the employee handbook, one may want to have each employee sign a statement acknowledging that they have read, understand, and agree to abide by the policy. If one requires to do this, one must have a plan for consistently ensuring that all current and new employees receive a policy orientation and sign a statement and that they do this every time there are significant updates to the policy. This approach is particularly recommended where contravening the policy could result in harm to the employee (e.g., requirements to wear protective equipment when working) or where disciplinary measures could result from not following the policy (e.g., harassment).

### **Statement of Understanding**

#### **Ongoing communication:**

The policies will underpin how much of work is done. The principles should become integrated into how the institution accomplishes its work. Use bulletin boards, newsletters, Internet home pages and emails to remind employees of key principles of the policies. Encourage Heads of Institutions/Principals/Directors to review the values that underpin the policies during the performance review.

### **Unilaterally introducing policies:**

As part of its top management rights, the employer is permitted to introduce a unilateral policy without negotiating the terms of the policy with the bargaining agent for the employees. To do so, however, the policy must:

- Be consistent with the terms of the collective agreement
- Be reasonable
- Be clear and unequivocal
- Be brought to the attention of the employee before the employer can act upon it
- Be consistently enforced from the time it was introduced
- Make employees aware that breach of the rule may result in discipline, up to and including discharge from employment

Collectively, the above six factors are colloquially called the **KVP Rules**. The employer would have to demonstrate compliance with the last five factors if it wishes to rely upon discipline or discharge of a non-unionized employee because of a violation of an employer policy. It is recommended that an employer seeks legal advice before discharging an employee for cause based on violation of a policy.

### **STEP 8: Policy review and update**

The policies should be scheduled to be reviewed and updated regularly. A reasonable period between complete reviews is two to three years, although some Central/state enactments have legislation that requires certain policies be reviewed annually. Policies that are affected by changes to government legislation should be reviewed as soon as there are any changes to the law.

#### ***Standard:***

“HR management policies are reviewed on a regular basis and revised if necessary.”

The appropriate body may also set a timeframe for the review of policies. It can be helpful to provide the governing authority with a report on how policies are applied and any revisions that are being considered to the policies.

When reviewing policies consider the following:

- Has the legal environment or regulations changed in a way that impacts the policy?

- At minimum you will want to review employment/labour standards, privacy legislation, occupational health and safety, human rights, compensation?
- Has the policy been effectively implemented?
- How effective has it been in dealing with relevant situations?
- What feedback have you received from managers and employees on the policy?
- Is the policy accomplishing the objective for which it was intended?

Changes to policies will usually require it goes through the organization's approval process.

### **STEP 9: Communication of changes to policies:**

Some changes to policy may be so fundamental that they could attract claims of constructive dismissal. It is critical to provide employees with sufficient notice of any fundamental change in a term or condition of their employment. If you are uncertain it is prudent to seek legal advice. Make sure that significant updates to policies are communicated and that if employees are required to a statement of understanding, this forms part of the communication of the updated policy.

### **Role of the board of directors in HR policy development**

Boards can play a variety of roles in HR policy development. It is helpful to have the board clearly define the role they want to take in policy development, whether they want to be involved in shaping the content or be involved only at the approval stage. They may decide that only some fundamental policies require their review and other policies can be approved and managed by the executive director. Alternatively, a board may form an HR committee to write policies and procedures. The board may set a time frame for reviewing HR policies, or they may delegate this responsibility.

If an organization develops a policy on the development, review and update of organization policies, the role of the Parent Body can be outlined in it.